



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Report for Sidewalk Repairs and to Confirm the Report as Submitted by the Public Works Department

MEETING DATE: March 3, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Conduct a public hearing to consider the Report for Sidewalk Repairs and to confirm the report as submitted by the Public Works Department.

BACKGROUND INFORMATION: At the public hearing, Council will consider the Report for Sidewalk Repairs and hear protests from the public. Following the public hearing, the Council will be asked to confirm the cost of repairs report, assess the cost of repairs to the affected properties, and order the preparation of a Notice of Lien to be filed with the tax collector. Last year, the City paid claims totaling \$30,500 for trip and falls.

As a part of the City's sidewalk maintenance program, the City notified one property owner on October 2, 2007 and three property owners on April 17, 2008 that their sidewalks needed to be repaired. Three property owners did not perform and one property owner asked for assistance.

The Curb, Gutter and Sidewalk Maintenance Policy, approved by Council, provides several alternatives for the cost of repairs. Those alternatives are: a) City will advance funds for installation or maintenance without interest if the property owner agrees to make payments over the course of 12 months and upon execution of a written payment agreement with the City; b) property owners meeting low-income eligibility per the City's SHARE program may elect to defer maintenance costs until transfer of ownership with execution of a payment agreement with a fixed interest; or c) the City Manager is authorized to execute payment agreements and file liens and assessments with the County Tax Collector and/or Recorder as appropriate to secure payment.

Property owners were provided up to three notices over a two-month period. If they did not make the repairs, the City's contractor repaired the sidewalk. Streets and Highway Code Section 5616 requires that a public hearing be held to hear and pass upon the report of cost of repairs and to hear protests which may be raised by affected property owners.

The following is a list of the four properties that received sidewalk repair notifications:

Street Address	Cost Estimate	Work Accomplished
1606 South School Street	\$4,024	Property owner hired City. Work completed January 2008. Property owner paid City portion of cost (\$1,010)
2013 Aspen Grove Drive	\$5,070	Failed to perform. City completed repair; billed property owner.
224 North Orange Street	\$3,591	Failed to perform. City completed repair; billed property owner.
831 Ehrhardt Drive	\$4,214	Failed to perform. City completed repair; billed property owner.

APPROVED:


Blair King, City Manager

Based on previous cases, the Council determined that the collection method for cost of repairs to sidewalks would be to turn a Notice of Lien over to the Tax Collector. To date, there have been four properties that have had a Notice of Lien turned over to the Tax Collector, one of which was released January 16, 2009 after payment was received. It is staffs recommendation that this current practice be continued and Notices of Lien for the four properties be turned over to the Tax Collector.

FISCAL IMPACT: Placing liens on the properties will ensure that the Street Fund will be reimbursed approximately \$16,899 plus interest for the cost of repairing the sidewalks. Repaired sidewalks avoid liability claims for trip and falls.

FUNDING AVAILABLE: None required.



F. Wally Sandelin
Public Works Director

Prepared by Rebecca Areida-Yadav, Management Analyst

FWS/RAY/pmf

cc: Assistant Streets and Drainage Manager



*Please immediately confirm receipt
of this fax by calling 333-6702*

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

**SUBJECT: PUBLIC HEARING TO CONSIDER REPORT FOR SIDEWALK
REPAIRS AND CONFIRM THE REPORT AS SUBMITTED BY THE
PUBLIC WORKS DEPARTMENT**

PUBLISH DATE: SATURDAY, FEBRUARY 20, 2010


LEGAL AD

TEAR SHEETS WANTED: One (1) please

SEND AFFIDAVIT AND BILL TO: RANDI JOHL, CITY CLERK
City of Lodi
P.O.Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, FEBRUARY 18, 2010

ORDERED BY: RANDI JOHL
CITY CLERK


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS	Faxed to the Sentinel at 369-1084 at _____ (time) on _____ (date) _____ (pages)
	Phoned to confirm receipt of all pages at _____ (time) _____ CF _____ MB _____ JMR (initials)



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER REPORT FOR SIDEWALK REPAIRS AND CONFIRM THE REPORT AS SUBMITTED BY THE PUBLIC WORKS DEPARTMENT

On Friday, February 19, 2010, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider Report for Sidewalk Repairs and confirm the Report as submitted by the Public Works Department (attached and marked as Exhibit A) was posted at the following locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 19, 2010, at Lodi, California.

ORDERED **BY:**

RANDI JOHL
CITY CLERK


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER REPORT FOR SIDEWALK REPAIRS AND CONFIRM THE REPORT AS SUBMITTED BY THE PUBLIC WORKS DEPARTMENT

On Friday, February 19, 2010, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing Notice of Public Hearing to consider Report for Sidewalk Repairs and confirm the Report as submitted by the Public Works Department, attached hereto marked Exhibit **A**. The mailing list for said matter is attached hereto, marked Exhibit **B**.


There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 19, 2010, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK, CITY OF LODI**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: March 3, 2010

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl,

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, March 3, 2010**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Report for Sidewalk Repairs and confirm the Report as submitted by the Public Works Department.**

Information regarding this item may be obtained in the Public Works Department, 221 West Pine Street, Lodi, (209) 333-6706. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Randi Johl
City Clerk

Dated: February 17, 2010

Approved as to form:

D. Stephen Schwabauer
City Attorney

Mailing List for
Public Hearing to Consider Report for Sidewalk Repairs and to Confirm the Report as
Submitted by the Public Works Department

EXHIBIT B

Situs Address	Name	Mailing Address
1606 S. School Street	Parmjit Singh	1606 S School St Lodi CA 95240
2013 Aspen Grove Drive	Howard Heinle	2013 Aspen Grove Dr Lodi CA 95240
224 N. Orange Avenue	Diannia Martin	PO Box 2268 Lodi CA 95241-2268
831 Ehrhardt Drive	Paul Castro	831 Ehrhardt Dr Lodi CA 95240-4632